

*Incoming  
C/007/0022*

*Q*

## **EXHIBIT "D"**

### **Stipulation to Revise Reclamation Agreement (Non-Federal)**

**RECEIVED  
JUL 19 2010  
DIV. OF OIL, GAS & MINING**

Permit Number: C/007/0022

Effective Date: 03/03/2010

Bond Number:

**COAL**

**STIPULATION TO REVISE RECLAMATION AGREEMENT**

--ooOOoo--

This **STIPULATION TO REVISE RECLAMATION AGREEMENT** entered into by and between the **PERMITTEE** and **DIVISION** incorporates the following revisions or changes to the **RECLAMATION AGREEMENT**: (Identify and Describe Revisions below)

Update to the Reclamation Agreement to reflect the correct disturbed acreage.

In accordance with this **STIPULATION TO REVISE RECLAMATION AGREEMENT**, the following Exhibits have been replaced by the **PERMITTEE** and are approved by the **DIVISION**.

- ☐ Replace the Reclamation agreement in its entirety.
- ☒ Replace Exhibit "A"- permit area.
- ☐ Replace Exhibit "B"- bonding agreement
- ☐ Replace Exhibit "C"- liability insurance

The bonding amount is revised from \$ \_\_\_\_\_ to \$ \_\_\_\_\_.

The bonding type is changed from \_\_\_\_\_ to \_\_\_\_\_.

The surface disturbance is revised from 122.28 acres to 132.5 acres.

The expiration date is revised from \_\_\_\_\_ to \_\_\_\_\_.

The liability insurance carrier is changed from \_\_\_\_\_ to \_\_\_\_\_.

The amount of insurance coverage for bodily injury and property damage is changed from \$ \_\_\_\_\_ to \$ \_\_\_\_\_.

*Savage Services*

IN WITNESS WHEREOF, Corp. the PERMITTEE has hereunto set its  
signature and seal this 7th day of June, 2010.

PERMITTEE

By: *[Signature]*

Title: *Exec. V.P.*

ACCEPTED BY THE STATE OF UTAH this 29<sup>th</sup> day of July, 2010.

*[Signature]*  
Director, Division of Oil, Gas and Mining

**NOTE:**

An Affidavit of Qualification must be completed and attached to this form for each authorized agent or officer. Where one signs by virtue of Power of Attorney for a company, such Power of Attorney must be filed with this Agreement. If the PERMITTEE is a corporation, the Agreement shall be executed by its duly authorized officer.

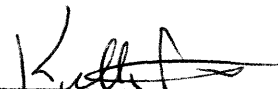
Bond Number:

**AFFIDAVIT OF QUALIFICATION  
PERMITTEE**

--ooOoo--

I, H. Benson Lewis, being first duly sworn under oath, deposes and says that he/she is the (officer or agent) Executive V.P. of Savage Services Corp.; and that he/she is duly authorized to execute and deliver the foregoing obligations; and that said PERMITTEE is authorized to execute the same and has complied in all respects with the laws of Utah in reference to commitments, undertakings and obligations herein.

  
(Signed) \_\_\_\_\_  
Name - Position Exec. V.P.

Attest:   
Secretary of the Corporation

STATE OF \_\_\_\_\_ )

) ss:

COUNTY OF \_\_\_\_\_ )

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_, 20 \_\_\_\_.

## **EXHIBIT "A"**

### **Bonded Area Legal Description**

(Non-Federal Coal)

Exhibit "A"  
Legal Description  
Non-Federal

Bond Number

**EXHIBIT "A"**

Pursuant to R645-301- 820.110, the surety bond covers an identified increment of land within the permit area upon which the operator will initiate and conduct coal mining and reclamation operations during the initial term of the permit. This area is identified as:

Map(s) showing the BONDED AREA within the approved PERMIT AREA :

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Legal description of BONDED AREA:

The permit area is described as follows:

Township 15 South, Range 10 East, Salt Lake Base & Meridian,  
Section 11: W1/2 SW1/4 except 0.24 ac. In NW corner, E1/2SW1/4 except East 100'  
and 5.42 ac. in SW corner. Also included in the permit area is a 20' Right-of-Way for a  
pipeline across the SE1/4NW1/4 and NW1/4NW1/4 of Section 11 (1.21 acres), and across  
the SW1/4SW1/4, NW1/4SW1/4, SW1/4NW1/4 and NE1/4NW1/4 of Section 2 (3.97 acres).

The above described area shall be modified as necessary to correspond to an increase in the area disturbed as a result of an expansion of coal mining and reclamation operations. The described area may also be decreased as a result of partial reclamation.

**IN WITNESS WHEREOF** the **SURETY** has hereunto set its signature and seal this

2nd day of July, 20 10.

Liberty Mutual Insurance Company

**SURETY**

By: 

Tina Davis, Attorney-In-Fact


Title:

Bond Number:

**AFFIDAVIT OF QUALIFICATION  
SURETY COMPANY**

--ooOOoo--

I, Tina Davis, being first duly sworn under oath, deposes and says that he/she is the (officer or agent) Attorney-In-Fact of Liberty Mutual Insurance Company; and that he/she is duly authorized to execute and deliver the foregoing obligations; and that said SURETY COMPANY is authorized to execute the same and has complied in all respects with the laws of Utah in reference to becoming sole surety upon bonds, undertakings and obligations herein.

  
(Signed)  
Surety Company Officer - Position

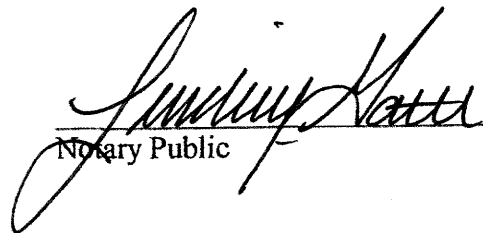
Attest:

STATE OF Utah )

) ss:

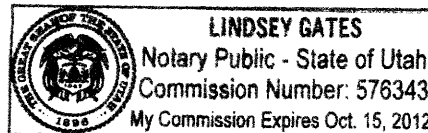
COUNTY OF Salt Lake )

Subscribed and sworn to before me this 2nd day of July, 20 10.

  
Notary Public

My Commission Expires:

October 15, 20 12.



THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

LIBERTY MUTUAL INSURANCE COMPANY  
BOSTON, MASSACHUSETTS  
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint

**TINA DAVIS, JEANNA ROMERO, ALL OF THE CITY OF SALT LAKE CITY, STATE OF UTAH**.....

....., each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations in the penal sum not exceeding **SEVENTY FIVE MILLION AND 00/100**\*\*\*\*\* DOLLARS (\$ **75,000,000.00**\*\*\*\*\* ) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 11th day of May, 2010.

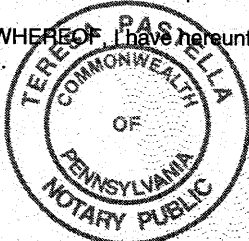
LIBERTY MUTUAL INSURANCE COMPANY

By Garnet W. Elliott  
Garnet W. Elliott, Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA ss  
COUNTY OF MONTGOMERY

On this 11th day of May, 2010, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Teresa Pastella, Notary Public  
Plymouth Twp., Montgomery County  
My Commission Expires March 28, 2013  
Member, Pennsylvania Association of Notaries

By Teresa Pastella  
Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, shall be valid and binding upon the company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this 2ND day of JULY, 2010.



By David M. Carey  
David M. Carey, Assistant Secretary

To confirm the validity of this Power of Attorney call  
1-810-832-8240 between 9:00 am and 4:30 pm EST on any business day

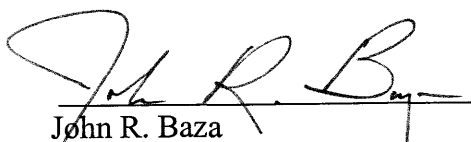
Not valid for mortgage, note, loan, letter of credit, bank deposit,  
currency rate, interest rate or residual value guarantees.



Bond Number —

**AFFIDAVIT OF QUALIFICATION**  
**DIRECTOR**  
**--ooOOoo--**

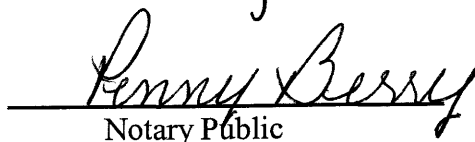
John R. Baza, being first duly sworn under oath, deposes and says that he is the Director for the Division of Oil, Gas and Mining, Department of Natural Resources, State of Utah; and that he is duly authorized to execute and deliver the foregoing obligations; and that said Director is authorized to execute the same by authority of laws on behalf of the State of Utah.



John R. Baza  
Director, Division of Oil, Gas and Mining

STATE OF Utah )  
 ) ss:  
COUNTY OF Salt Lake )

Subscribed and sworn to before me this 29 day of July 2010.

  
Notary Public

My Commission Expires:

1/11, 2011.

